

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

In Re: Emergency Suspension of the License of  
Sharon Ann Day-Osteen, D.D.S.  
License No.: DN 14278  
Case Nos.: 2012-13461

**ORDER OF EMERGENCY SUSPENSION OF LICENSE**

John H. Armstrong, MD, State Surgeon General and Secretary of Health, ORDERS the emergency suspension of the license of Sharon Ann Day-Osteen, D.D.S., ("Dr. Day-Osteen") to practice as a dentist in the State of Florida. Dr. Day-Osteen holds license number DN 14278 and her mailing address of record is 190 North Highway 17-92, Suite 101, Debary, Florida 32713. The following Findings of Fact and Conclusions of Law support the emergency suspension of Dr. Day-Osteen's license to practice as a dentist in the State of Florida.

**FINDINGS OF FACT**

1. The Department of Health ("Department") is the state agency charged with regulating the practice of dentistry pursuant to Chapters 20, 456 and 466, Florida Statutes (2012). Section 456.073(8), Florida Statutes (2012), authorizes the State Surgeon General to summarily suspend Dr.

Day-Osteen's license to practice dentistry in the State of Florida in accordance with Section 120.60(6), Florida Statutes (2012).

2. At all times material to this Order, Dr. Day-Osteen was licensed as a dentist pursuant to Chapter 466, Florida Statutes (2011-2012).

3. On or about April 12, 2012, the Department issued an Order to Compel Dr. Day-Osteen to undergo an examination in Department of Health case number [REDACTED] after allegations that Dr. Day-Osteen inhaled nitrous oxide gas at her office during the work day, used nitrous oxide gas immediately prior to providing dental care to patients and used nitrous oxide gas in front of patients at her office.

4. Nitrous oxide is a compressed gas of oxidized nitrogen (N<sub>2</sub>O) and is used as an inhalation analgesia. At room temperature, nitrous oxide is a colorless, non-flammable gas with a slightly sweet odor and taste. Use of nitrous oxide causes a loss of pain sensation due to the inhalation of the vapor or gas which depresses the central nervous system. Nitrous oxide is regularly used in surgery and dentistry for its anesthetic and analgesic effects, but is not a controlled substance or legend drug. Nitrous oxide is commonly known as "laughing gas" due to the euphoric effects of inhaling it, a property that has led to its recreational use as a dissociative

anesthetic. Side effects include: nausea, vomiting, and short-term decreases in mental performance, audiovisual ability, and manual dexterity. Long-term exposure can cause vitamin B<sub>12</sub> deficiency, numbness, and reproductive side effects (in pregnant females). Abuse of nitrous oxide can cause hypoxia (oxygen deprivation), brain damage and death.

5. On or about May 18, 2012, Dr. Day-Osteen was evaluated by Dr. S.T. ("Dr. T."), a Department-approved evaluator.

6. Dr. T. diagnosed Dr. Day-Osteen with alcohol and inhalant dependence, as well as opiate and sedative abuse. Dr. T. opined that Dr. Day-Osteen was unsafe to practice dentistry because of her chemical dependency and recommended that she undergo residential treatment.

7. On or about May 24, 2012, Dr. Day-Osteen was referred to the Professionals Resource Network, Inc. ("PRN"), a Department-contracted consultant for matters concerning impaired healthcare practitioners.

8. On or about June 11, 2012, Dr. Day-Osteen entered treatment at Vince Carter Sanctuary ("VCS"), a PRN-approved treatment provider in Bunnell, Florida, and remained in treatment until August 9, 2012, when she was discharged from Partial Hospitalization (PHP) to Intensive Outpatient Treatment (IOP) at VCS.

9. While in IOP, Dr. Day-Osteen had three positive drug screens for alcohol, opiates, and hydrocodone, and, as a consequence, was referred back to residential treatment.

10. Hydrocodone is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes (2011-2012), hydrocodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of hydrocodone may lead to severe psychological or physical dependence.

11. On or about August 30, 2012, PRN was notified that Dr. Day-Osteen had refused to enter residential treatment, that she had returned to work and was once again abusing nitrous oxide.

12. In or about August 2012, PRN provided Dr. Day-Osteen with a treatment contract and requested that she execute the contract. Dr. Day-Osteen returned her PRN contract to PRN; however, the contract was not accepted due to the following addition Dr. Day-Osteen made to the contract: "I will have champagne on holidays, anniversary, Christmas, New Year's, Thanksgiving, approximately 7 times per year."

13. On or about September 10, 2012, PRN terminated Dr. Day-Osteen from the PRN program due to non-compliance. PRN opined that Dr. Day-Osteen is unsafe to practice dentistry, because of her abuse of nitrous oxide.

14. As of the date of this Order, Dr. Day-Osteen has a clear and active license and is potentially practicing dentistry while abusing nitrous oxide.

15. Section 466.028(1)(s), Florida Statutes (2012), subjects a licensee to discipline, including suspension for being unable to practice her profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

16. Section 466.028(1)(mm) Florida Statutes (2012), subjects a licensee to discipline, including suspension for violating any provision of chapter 466 or chapter 456, Florida Statutes (2012), or any rules adopted pursuant thereto.

17. Section 456.072(1)(hh), Florida Statutes (2012), subjects a licensee to discipline, including suspension, for being terminated from a treatment program for impaired practitioners, for failure to comply, without

good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

18. Section 120.60(6), Florida Statutes (2012), authorizes the State Surgeon General to summarily suspend a dentist's license upon a finding that the dentist presents an immediate, serious danger to the public health, safety or welfare.

19. The practice of dentistry requires a high degree of skill and ability. Dentists are constantly entrusted with the health and well-being of patients. As such, a basic level of physical and mental ability is necessary to perform the skills required of a dentist. Due to her chemical dependence, Dr. Day-Osteen does not possess the physical and mental ability and the judgment necessary to practice dentistry safely. Dr. Day-Osteen's abuse of nitrous oxide, controlled substances, and alcohol, as well as her refusal to cooperate with PRN's recommendations, demonstrate her willingness to violate the laws, regulations and standards that govern the practice of dentistry in the State of Florida.

20. The Florida Legislature has vested a trust and confidence in dentists by granting them licenses to dispense and prescribe certain

medications. Dr. Day-Osteen breached the trust and confidence vested in her as a dentist by administering nitrous oxide to herself. Dr. Day-Osteen's acts manifest such a pattern and propensity for violating the laws and rules governing dentists in Florida that a continuation of this conduct is likely to recur. Dr. Day-Osteen's consistent lack of good judgment and flagrant disregard for the laws and regulations governing the practice of dentistry represent a significant likelihood that Dr. Day-Osteen will cause harm to patients.

21. Dr. T. has opined that Dr. Day-Osteen is not safe to practice dentistry at this time and needs to enter into treatment at a residential level of care. Dr. Day-Osteen was also referred back to a residential level of care by her treatment provider. Dr. Day-Osteen has refused to comply with these recommendations. Because Dr. Day-Osteen's chemical dependency adversely affects her judgment and her ability to practice as a dentist in any manner, no restriction less severe than the complete suspension of Dr. Day-Osteen's license will adequately protect the public from this harm.

22. Dr. Day-Osteen's impairment, her unwillingness to cooperate with treatment recommendations, and her abuse of drugs and alcohol,

represent a significant likelihood that Dr. Day-Osteen will continue to pose a danger to the health, safety, or welfare of patients if she is not prevented from practicing as a dentist.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes (2012), and Chapter 466, Florida Statutes (2012).
2. Dr. Day-Osteen violated Section 466.028(1)(s), Florida Statutes (2012), by being unable to practice dentistry with reasonable skill and safety to patients due to her use of drugs, narcotics or chemicals.
3. Dr. Day-Osteen violated 466.028(1)(mm), Florida Statutes (2012), by violating Section 456.072(1)(hh), Florida Statutes (2012), by being terminated from a treatment program for impaired practitioners.
4. Dr. Day-Osteen's continued practice as a dentist constitutes an immediate, serious danger to the health, safety, or welfare of the citizens

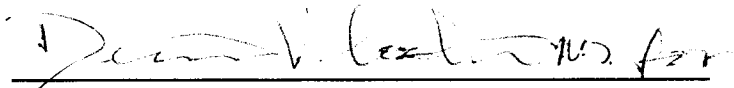


of the State of Florida, and this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with Section 120.60(6), Florida Statutes (2012), it is ORDERED THAT:

1. The license of Sharon Ann Day-Osteen, D.D.S, license number DN 14278, is immediately suspended.
2. A proceeding seeking formal suspension or discipline of the license of Dr. Day-Osteen to practice as a dentist will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2012).

DONE and ORDERED this 15<sup>th</sup> day of October, 2012.

  
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John H. Armstrong, MD  
State Surgeon General and  
Secretary of the Department of Health

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**NOTICE OF RIGHT TO JUDICIAL REVIEW**

Pursuant to Sections 120.60(6), and 120.68, Florida Statutes, this Order is judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, and accompanied by a filing fee prescribed by law with the District Court of Appeal, and providing a copy of that Petition to the Department of Health within thirty (30) days of the date this Order is filed.